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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,261	08/29/2003	Frederick B. Harris	5266-08801	1957

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EXAMINER	
MA, JOHNNY	

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,261	HARRIS, FREDERICK B.	
	Examiner	Art Unit	
	Johnny Ma	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2003*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☒ Claim(s) *15* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/23/04, 1/08/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 15 objected to because of the following informalities: the claimed "wherein said server if further configured" should read "wherein said server is further configured" (line 1). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7-8, 10-11, and 15-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Digeo (WO 02/39745 A1).

As to claim 1, note the Digeo reference that discloses a system and method for pre-caching supplemental content related to a television broadcast using unprompted, content-sensitive querying. The claimed "broadcasting a plurality of modules from a server to a client device, at least one of said modules having an associated module number" is met by the broadcast of search results to various set top devices using set top box identifiers (page 14, lines 1-6) wherein set top box identifiers may be distinguished by a unique identifier, number, code, or address, examples of which include an IP address (page 8, lines 1-7). The claimed "sending search criteria from the client device to the server" is met by information search request transmitted upstream by the set top box to a content source (page 13, lines 8-19). The claimed

"receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria; sending the qualifying module number to the client device; receiving the qualifying module number at the client device; and retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module" are met by "[b]ased upon the contextual information, the content source 114 may search a database or the like and return a set of search results 504" (page 13, lines 20-29) and "...the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102 (page 14, lines 4-6).

As to claim 2, the claimed "further comprising displaying information corresponding to the first module on a display associated with said client device" is met by the display of search results on a television (page 18, lines 11-14).

As to claim 3, the claimed "a viewer generating a video request based upon said displayed information, said video being associated with said first module" is met by "...the set of search results 504 is a list of specific items of supplemental content 406 related to the television program (or segment thereof) being viewed (page 13, lines 24-26) and the search results supplemental content items are preferably selectable by the user (page 18, lines 11-21) wherein supplemental content includes images and streaming video (page 12, lines 32-33). The claimed "sending said video request to said server" is met by "[i]n one embodiment, pressing the 'OK' button 232 causes a selection indicator 902 to be sent to the content source 114 for indicating the user's selection (page 18, lines 22-23). The claimed "sending a video corresponding to said video request from the server to the client device" is met by "[i]n response to the selection

indicator 902, the content source 114 sends the supplemental content 406 to the STB 102 for display on the television 104 (page 18, lines 25-27).

As to claim 7, the claimed "further comprising continuously sending said video from the server for a predetermined period of time" is met by "[i]n response to the selection indicator 902, the content source 114 sends the supplemental content 406 to the STB 102 for display on the television 104 (page 18, lines 25-27) wherein supplemental content includes video and such information is inherently sent for a predetermined period of time in order for a receiver to receive such information from a server.

As to claim 8, the claimed "further comprising sending a selected advertisement associated with the search request to the client device" is met by server returning search results to user comprising a list of specific items of supplemental content related and search results may actually include the supplemental content (page 13, lines 20-29) wherein supplemental content types include advertisements (page 12, lines 32-33).

As to claim 10, the claimed "a server configured to broadcast a plurality of modules, at least one of said modules having an associated module number" is met by the broadcast of search results to various set top devices using set top box identifiers (page 14, lines 1-6) wherein set top box identifiers may be distinguished by a unique identifier, number, code, or address, examples of which include an IP address (page 8, lines 1-7). The claimed "receiving station coupled to receive said modules" is met by set top box receiving search results from content source (page 17, lines 28-33; page 18, lines 1-3). The claimed "display a selection menu" is met by "...the search results 504 are then displayed on the television..." (page 18, lines 4-5). The claimed "receive search criteria from a user" is met by the user pressing a "FIND" button which results in

an appropriate control signal being sent to the STB resulting in an information request containing contextual information for searching a database (page 13, lines 8-29). The claimed "send said search criteria to the server" is met by "[t]he information request 502 is preferably transmitted upstream by the STB 102 t a content source 114" (page 13, lines 12-15). The claimed "wherein said server is further configured to receiving the search criteria, identify a qualifying module number corresponding to the search criteria, and send the qualifying module number to the client device; and wherein said receiving station is configured to receive the qualifying module number at the client device; and retrieve a first module of said modules, in response to matching the received qualifying module number to said first module" is met by "...the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102" (page 14, lines 4-6).

As to claim 11, the claimed "display information corresponding to the first module" is met by "...content source 114 transmits 1114 the search results 504 to the user's STB 102, which displays 116 the search results 504 on the television 104" (page 20, lines 6-9). The claimed "generate a video request based upon said displayed information; send said video request to said server" is met by thereafter, the STB transmits an indication of the supplemental content selection to the content source (page 20, lines 9-11) wherein supplemental content includes a variety of information types such as images and streaming video (page 12, lines 32-33). The claimed "receive a video corresponding to said video request from the server, in response to said request" is met by the content source sending the selected supplemental content to set top box (page 20, lines 9-13).

As to claim 15, the claimed "identify an advertisement associated with the search request; and send the advertisement to the receiving station" is met by server returning search results to user comprising a list of specific items of supplemental content related and search results may actually include the supplemental content (page 13, lines 20-29) wherein supplemental content types include advertisements (page 12, lines 32-33).

As to claim 16, the claimed "circuitry configured to receive a broadcast signal comprising a plurality of modules, at least one of said modules having an associated module number" is met by the broadcast of search results to various set top devices using set top box identifiers (page 14, lines 1-6) wherein set top box identifiers may be distinguished by a unique identifier, number, code, or address, examples of which include an IP address (page 8, lines 1-7) wherein a set top box receives the search results associated with its identifier. The claimed processing circuitry configured to receive search criteria from a user" is met by a user pressing a "FIND" key that results in an appropriate signal being sent to the STB to initiate a contextual search (page 13, lines 8-29). The claimed "send said search criteria to a server" is met by "[t]he information request 502 is preferably transmitted upstream by the STB 102 to a content source 114" (page 13, lines 12-15). The claimed "receive from said server a qualifying module number, said number corresponding to the search criteria; and retrieve a first module of said modules, in response to matching the received qualifying module number to said first module" is met by "...the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102" (page 14, lines 4-6).

As to claim 17, the claimed "display information corresponding to the retrieved first module" is met by "...content source 114 transmits 1114 the search results 504 to the user's STB

102, which displays 116 the search results 504 on the television 104" (page 20, lines 6-9). The claimed "generate a video request based upon said displayed information; send said video request to a server" is met by thereafter, the STB transmits an indication of the supplemental content selection to the content source (page 20, lines 9-11) wherein supplemental content includes a variety of information types such as images and streaming video (page 12, lines 32-33). The claimed "receive a video corresponding to said video request from the server, in response to said request" is met by the content source sending the selected supplemental content to set top box (page 20, lines 9-13).

As to claim 18, the claimed database is met by supplemental databases 406 and 406a as illustrated in Figure 7. The claimed server coupled to said database is met by supplemental content databases 406 and 406a coupled to search engine 702 that serves search results to users as illustrated in Figure 7. The claimed "broadcast a plurality of modules to a plurality of client devices, at least one of said modules having an associated module number" is met by the broadcast of search results to various set top devices using set top box identifiers (page 14, lines 1-6) wherein set top box identifiers may be distinguished by a unique identifier, number, code, or address, examples of which include an IP address (page 8, lines 1-7). The claimed "receive search criteria from one of said client devices" is met by "[t]he information request 502 is preferably transmitted upstream by the STB 102 to a content source 114" (page 13, lines 8-15). The claimed "identify a qualifying module number corresponding to the search criteria, and send the qualifying module number to the client device" is met by "...the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102" (page 14, lines 4-6). The claimed "receive a video request from said client device, said request being based upon

information corresponding to the qualifying module" is met by "...content source 114 transmits 1114 the search results 504 to the user's STB 102, which displays 116 the search results 504 on the television 104" (page 20, lines 6-9) and thereafter, the STB transmits an indication of the supplemental content selection to the content source (page 20, lines 9-11) wherein supplemental content includes a variety of information types such as images and streaming video (page 12, lines 32-33). The claimed "retrieve a video corresponding to said video request from said database, in response to said request and convey said retrieved video to said client" is met by in response to the selection indicator the content source sends the supplemental content to the set top box for display on the television (page 18, lines 25-27).

As to claim 19, the claimed "identify an advertisement associated with the received search criteria; retrieve the advertisement from the database; and sending the advertisement to the client device" is met by server returning search results to user comprising a list of specific items of supplemental content related and search results may actually include the supplemental content (page 13, lines 20-29) wherein supplemental content types include advertisements (page 12, lines 32-33).

As to claim 20, note the Digeo reference discloses a system and method for pre-caching supplemental content related to a television broadcast using unprompted, context-sensitive querying wherein content source includes a search engine that may be embodied in a database management system wherein machine readable code is inherent to the operation of such a computerized system. The claimed "broadcast a plurality of modules from a server to a client device, at least one of said modules having an associated module number" is met by the broadcast of search results to various set top devices using set top box identifiers (page 14, lines

1-6) wherein set top box identifiers may be distinguished by a unique identifier, number, code, or address, examples of which include an IP address (page 8, lines 1-7). The claimed "send search criteria from the client device to the server" is met by "[t]he information request 502 is preferably transmitted upstream by the STB 102 to a content source 114" (page 13, lines 8-15). The claimed "receive the search criteria at the server and identify a qualifying module number corresponding to the search criteria" is met by information request as discussed above and wherein the content source uses a set top box identifier to return the search results to the correct set top box (page 14, lines 1-6). The claimed "send the qualifying module number to the client device; receive the qualifying module number at the client device and retrieve a first module of said modules at the client device, in response to matching the received qualifying module number to said first module" is met by "...the content source 114 uses the identifier 602 to return the search results 504 to the correct STB 102" (page 14, lines 4-6) wherein the search results are then displayed on the user's television (page 18, lines 4-10).

As to claim 21, the claimed "wherein said program instructions are further executable to display information corresponding to the first module on a display associated with said client device" is met by the search results displayed on the user's television (page 18, lines 4-10).

As to claim 22, the claimed "generate a video request based upon said displayed information, said video being associated with said first module" is met by thereafter, the STB transmits an indication of the supplemental content selection to the content source (page 20, lines 9-11) wherein supplemental content includes a variety of information types such as images and streaming video (page 12, lines 32-33). The claimed "send said video request to said server" is met by "[i]n one embodiment, pressing the 'OK' button 232 causes a selection indicator 902 to be

sent to the content source 114 for indicating the user's selection (page 18, lines 22-27). The claimed "send a video corresponding to said video request from the server to the client device" is met by "[i]n response to the selection indicator 902, the content source 114 sends the supplemental content 406 to the STB 102 for display on the television 104 (page 18, lines 25-27) wherein the supplemental content types includes images and streaming video (page 12, lines 32-33).

As to claim 23, the claimed "wherein said program instructions are further executable to identify and send a selected advertisement associated with the search request to the client device" is met by server returning search results to user comprising a list of specific items of supplemental content related and search results may actually include the supplemental content (page 13, lines 20-29) wherein supplemental content types include advertisements (page 12, lines 32-33).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digeo (WO 02/39745 A1) in further view of Kimble (US 2002/0016969 A1).

As to claim 4, Digeo shows providing supplemental video to users on demand (page 20, lines 6-13). Digeo does not show the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The

claimed "inserting the requested video in a designated channel location in a broadcast; sending the designated channel location from the server to the client device; and using the designated channel location to retrieve the requested video from the broadcast at the client device" is met by "[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file" wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the VOD event file as taught by Kimble in the Digeo supplemental video upon user request for the purpose of providing bandwidth to transmit such information from a server to a user.

As to claim 12, Digeo shows providing supplemental video to users on demand (page 20, lines 6-13). Digeo does not show the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The claimed "wherein said server is further configured to insert the requested video in a designated channel location in a broadcast and send the designated channel location to the receiving station, and wherein the receiving station is further configured to use the designated channel location to retrieve the requested video from the broadcast" is met by "[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file" wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the VOD

event file as taught by Kimble in the Digeo supplemental video upon user request for the purpose of providing bandwidth to transmit such information from a server to a user.

6. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digeo (WO 02/39745 A1) in view of Lett et al. (US 5,592,551).

As to claim 5, Digeo shows providing supplemental video to users on demand (page 20, lines 6-13). Digeo does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed "sending a broadcast time for the requested video to the client device; inserting the requested video in a broadcast at the broadcast time; and retrieving the video from the broadcast at the client device at the broadcast time" are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. in the Digeo supplemental video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

As to claim 13, Digeo shows providing supplemental video to users on demand (page 20, lines 6-13). Digeo does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed "wherein the server is further configured to send a broadcast time for the requested video to the client device and insert the requested video in a

broadcast at the broadcast time; and wherein the receiving station is further configured to retrieve the video from the broadcast at the broadcast time" are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. in the Digeo supplemental video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

7. Claims 6, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Digeo (WO 02/39745 A1).

As to claim 6, Digeo shows transmitting selected supplemental content to a user (page 20, lines 6-13). However, the Digeo reference is silent as to transmitting the supplemental content until an acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications network for the purpose of ensuring that data is transmitted and received by a receiver. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Digeo transmission of selected supplemental content to a user accordingly for the above stated advantages.

As to claim 9, Digeo shows supplemental content types including advertisements (page 12, lines 32-33). However, the Digeo reference is silent as to showing advertisements

comprising video. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to display advertisements of video form in a video distribution network for providing advertising that is entertaining and more likely to hold a viewers attention. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Digeo supplemental content types including advertisements accordingly for the above stated advantages.

As to claim 14, Digeo shows transmitting selected supplemental content to a user (page 20, lines 6-13). However, the Digeo reference is silent as to transmitting the supplemental content until an acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications network for the purpose of ensuring that data is transmitted and received by a receiver. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the Digeo transmission of selected supplemental content to a user accordingly for the above stated advantages.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Crinon et al. reference (US 2003/0009763 A1) discloses a method of measuring goodness of a module schedule for a carousel.

The Gurevich et al. reference (US 2002/0073428 A1) discloses a downloading and transfer of audio or video data from video broadcasts.

The Wilf reference (US 2001/0049826 A1) discloses a method of searching video channels by content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (703) 305-8099. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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